

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CORTEVA AGRISCIENCE LLC,)	
PIONEER HI-BRED INTERNATIONAL,)	
INC., and AGRIGENETICS, INC.)	
)	
Plaintiffs,)	C.A. No. 23-1059-JFM
)	
v.)	
)	
INARI AGRICULTURE, INC. and INARI)	
AGRICULTURE NV,)	
)	
Defendants.)	

JOINT CLAIM CONSTRUCTION CHART

Pursuant to the Court’s Scheduling Order (D.I. 49) and Stipulation and Order to Amend Scheduling Order and Extend Defendants’ Time to Respond to the Second Amended Complaint (D.I. 150), Plaintiffs Corteva Agriscience LLC, Pioneer Hi-Bred International, Inc., and Agrigenetics, Inc. (collectively, “Corteva”) and Defendants Inari Agriculture, Inc. and Inari Agriculture NV (collectively, “Inari”) have met and conferred and hereby provide their Joint Claim Construction Chart setting forth the disputed claim terms from the asserted claims of U.S. Patent Nos. 7,956,246 (the “’246 patent”), 8,283,522 (the “’522 patent”), 8,575,434 (the “’434 patent”), 8,680,363 (the “’363 patent”), and 9,695,411 (the “’411 patent”).¹

¹ Inari has proposed for construction a term from U.S. Patent No. 8,901,378 (the “’378 patent”). Corteva has not asserted any claim of the ’378 patent in this litigation. In Count VII of its Answer, Inari asserted a counterclaim for a declaration of invalidity against the ’378 patent. It is Corteva’s position that Inari lacks standing to bring, and the Court lacks subject matter jurisdiction over, Inari’s counterclaim related to this patent. Corteva intends to seek additional guidance from the Court on this issue at the upcoming hearing regarding Corteva’s motion to dismiss Inari’s counterclaims. Nonetheless, to avoid disruptions to the schedule, the parties’ proposed constructions of this term, and supporting evidence, are set forth in Exhibit A. Corteva does not waive any of its arguments concerning the Court’s lack of jurisdiction to adjudicate the validity or infringement of the ’378 patent as set forth in Corteva’s motion to dismiss, Dkt. 174.

The attached Joint Claim Construction Chart includes each party's proposed construction for the disputed terms with citations to the intrinsic evidence in support of the parties' respective constructions. The parties have made a good faith effort to include herein all known support in the intrinsic record for their respective constructions, but reserve the right to supplement the attached Joint Claim Construction Chart with additional evidence and to rely upon additional evidence in their claim-construction briefs to the extent it is necessary to provide additional context or to rebut arguments made by the other party during claim-construction briefing.

Copies of the Asserted Patents and those portions of the intrinsic record (including the Asserted Patents and their respective prosecution histories, documents referenced within, or during prosecution of, the Asserted Patents, and other family members of the Asserted Patents) relied upon are also attached hereto:

- A copy of the Joint Claim Construction Chart is attached hereto as Exhibit A;
- A copy of the '434 patent is attached hereto as Exhibit B;
- A copy of the '246 patent is attached hereto as Exhibit C;
- A copy of the '522 patent is attached hereto as Exhibit D;
- A copy of the '363 patent is attached hereto as Exhibit E;
- A copy of the '441 patent is attached hereto as Exhibit F;
- A copy of the '378 patent is attached hereto as Exhibit G;
- A copy of U.S. Patent Application No. 12/970,052 Prosecution History, Feb. 4, 2013 Office Action is attached hereto as Exhibit H;
- A copy of U.S. Patent Application No. 12/970,052 Prosecution History, May 2, 2013 Response to Non-Final Office Action is attached hereto as Exhibit I;

- A copy of U.S. Patent Application No. 12/970,052 Prosecution History, July 1, 2013 Notice of Allowance is attached hereto as Exhibit J;
- An excerpted copy of Rieger et al., *Glossary of Genetics: Classical and Molecular, 5th ed.*, Springer Verlag, New York, 1991 is attached hereto as Exhibit K;
- An excerpted copy of Lewin, *Genes V*, Oxford University Press: New York, 1994 is attached hereto as Exhibit L;
- A copy of US Patent Publication No. 2006/0141495 A1 is attached hereto as Exhibit M;
- A copy of US Patent Application No. 11/938,359 Prosecution History, July 9, 2010 Final Rejection is attached hereto as Exhibit N;
- A copy of Inari's Request for *Ex Parte* Reexamination of the '522 Patent Dated Nov. 18, 2022 is attached hereto as Exhibit O;
- A copy of US Patent No. 10,167,483 is attached hereto as Exhibit P;
- A copy of US Patent No. 11,371,055 is attached hereto as Exhibit Q;
- A copy of U.S. Patent Application No. 13/559,177 Prosecution History, July 10, 2013 Non-Final Office Action is attached hereto as Exhibit R;
- A copy of U.S. Patent Application No. 13/559,177 Prosecution History, October 10, 2013 Response to Non-Final Office Action is attached hereto as Exhibit S;
- A copy of U.S. Patent Application No. 13/559,177 Prosecution History, November 5, 2013 Notice of Allowance is attached hereto as Exhibit T;
- A copy of U.S. Patent Application No. 12/091,896 Prosecution History, July 14, 2011 Non-Final Office Action is attached hereto as Exhibit U;
- A copy of U.S. Patent Application No. 12/091,896 Prosecution History, October 14, 2011 Response to Non-Final Office Action is attached hereto as Exhibit V;

- A copy of U.S. Patent Application No. 12/091,896 Prosecution History, March 27, 2012 Final Office Action is attached hereto as Exhibit W;
- A copy of U.S. Patent Application No. 14/223,249 Prosecution History, September 8, 2016 Non-Final Office Action is attached hereto as Exhibit X;
- A copy of U.S. Patent Application No. 14/223,249 Prosecution History, December 8, 2016 Response to Non-Final Office Action is attached hereto as Exhibit Y; and,
- A copy of U.S. Patent Application No. 14/223,249 Prosecution History, March 7, 2017 Notice of Allowance is attached hereto as Exhibit Z.

The parties reserve the right to cite to other portions of the intrinsic record, including, but not limited to, intrinsic evidence cited by the opposing parties, as well as any and all pages included in the evidence identified below. The parties also reserve the right to rely on extrinsic evidence.

Dated: February 19, 2025

BARNES & THORNBURG LLP

/s/ Chad S.C. Stover

Chad S.C. Stover (No. 4919)
222 Delaware Avenue, Suite 1200
Wilmington, DE 19801
Tel. (302) 300-3474
Email: Chad.Stover@btlaw.com

OF COUNSEL:

Peter Bicks
Brian Raphael

ORRICK, HERRINGTON & SUTCLIFFE LLP
51 West 52nd Street
New York, NY 10019-6142
Tel: +1 212 506 5000
Fax: +1 212 506 5151
pbicks@orrick.com
braphel@orrick.com

David Gindler
Lauren Drake
Christopher Lynch
ORRICK, HERRINGTON & SUTCLIFFE LLP
355 South Grand Avenue
Suite 2700
Los Angeles, CA 90071-1596
Tel: +1 213 629 2020
Fax: +1 213 612 2499
dgindler@orrick.com
ldrake@orrick.com
christopher.lynch@orrick.com

Gary Frischling
ORRICK, HERRINGTON & SUTCLIFFE LLP
631 Wilshire Blvd.
Suite 2-C
Santa Monica, CA 90401
Tel: +1 310 633 2800
Fax: +1 310 633 2849
gfrischling@orrick.com

**MORRIS, NICHOLS, ARSHT & TUNNELL
LLP**

/s/ Megan E. Dellinger

Megan E. Dellinger (No. 5739)
Cameron P. Clark (No. 6647)
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899
Tel. (302) 658-9200
Email: mdellinger@morrisnichols.com
cclark@morrisnichols.com

OF COUNSEL

Dimitrios Drivas
Raj S. Gandesha
John P. Scheibeler
Jongtae Jason Lee
WHITE & CASE LLP
1221 Avenue of the Americas
New York, NY 10020-1095
(212) 819-8200

Robert M. Isackson
Henry A. Gabathuler
Emily A. Rice
LEASON ELLIS LLP
One Barker Avenue
While Plains, NY 10601
(914) 288-0022

Attorneys for Defendants

Carly Romanowicz
ORRICK, HERRINGTON & SUTCLIFFE LLP
222 Berkeley St.
Suite 2000
Boston, MA 02116
Tel: +1 617 880 1800
Fax: +1 617 880 1801
cromanowicz@orrick.com

Todd Vare
BARNES & THORNBURG LLP
11 S. Meridian St.
Indianapolis, IN 46204
Tel: (317) 231-7735
Todd.Vare@btlaw.com

Ronald Cahill
Heather B. Repicky
BARNES & THORNBURG LLP
One Marina Park Drive, Suite 1530
Boston, MA 02210
Tel: (617) 316-5312
Ronald.Cahill@btlaw.com
hrepicky@btlaw.com

Lauren Baker
BARNES & THORNBURG LLP
3340 Peachtree Road N.E., Suite 2900
Atlanta, GA 30326
Tel: (404) 264-4036
Lauren.Baker@btlaw.com

Attorneys for Plaintiffs